

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BENCH WALK LIGHTING LLC,

*Plaintiff,*

v.

OSRAM SYLVANIA, INC.; OSRAM  
LICHT AG; OSRAM GMBH; OSRAM  
OPTO SEMICONDUCTORS GMBH  
& CO.; OSRAM OPTO  
SEMICONDUCTORS, INC.; LEDVANCE  
GMBH; LEDVANCE LLC; LED ENGIN,  
INC.,

*Defendants.*

C.A. No. 18-1732-RGA

**DEFENDANTS OSRAM SYLVANIA, INC., OSRAM OPTO SEMICONDUCTORS,  
INC. AND LEDVANCE LLC'S PARTIAL MOTION TO DISMISS PLAINTIFF'S  
FIRST AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Pursuant to Fed. R. Civ. Proc. 12(b)(6), defendants OSRAM Sylvania, Inc.; OSRAM Opto Semiconductors, Inc.; and LEDVANCE LLC (collectively, "Defendants") respectfully move the Court to dismiss the following claims set forth in the plaintiff's First Amended Complaint (D.I. 13):

1. Indirect infringement (Counts 1-14)
2. Willful infringement (Counts 1-14)
3. Direct infringement (Counts 1, 2, 3, 4, 8, 10, and 14).

The grounds for this motion are fully set forth in Defendants' opening brief submitted contemporaneously herewith.

WHEREFORE, Defendants respectfully request that the Court enter the attached order granting this motion.

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Dated: May 24, 2019

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INC.,

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**[PROPOSED] ORDER GRANTING DEFENDANTS  
OSRAM SYLVANIA, INC., OSRAM OPTO SEMICONDUCTORS, INC.  
AND LEDVANCE LLC'S PARTIAL MOTION TO DISMISS**

At Wilmington this \_\_\_\_ day of \_\_\_\_\_, 2019, having considered defendants OSRAM Sylvania, Inc.; OSRAM Opto Semiconductors, Inc.; and LEDVANCE LLC's Partial Motion to Dismiss Plaintiff's First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), and all papers and argument submitted therewith;

IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

1. The claims for indirect infringement set forth in Counts 1-14 are DISMISSED
2. The claims for willful infringement set forth in Counts 1-14 are DISMISSED
3. The claims for direct infringement set forth in Counts 1, 2, 3, 4, 8, 10, and 14 are DISMISSED.

\_\_\_\_\_  
United States District Judge